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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,623	01/23/2001	Wen-Ching Chen	MR1683-291	8367
7590	04/21/2004		EXAMINER	
ROSENBERG, KLEIN & LEE SUITE 101 3458 ELLICOTT CENTER DRIVE ELLICOTT CITY, MD 21043			WORKU, NEGUSSE	
			ART UNIT	PAPER NUMBER
			2626	
			DATE MAILED: 04/21/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/766,623	CHEN, WEN-CHING
	<b>Examiner</b>	<b>Art Unit</b>
	Negussie Worku	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>©</sup> of this title before the invention thereof by the applicant for patent.

2. Claims 6-12, are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuchiya (USP 6,359,740).

With respect to claim 6, Tsuchiya discloses an image pick-up module (image capturing device as shown in fig 1), comprising: a circuit main board (base plate 10 of fig 1); an image sensor (a solid-state optical sensor 50 of fig 1) coupled to said circuit board (10 of fig 1) said image sensor (50 of fig 1) including a coupling transistor device (inherent on the sensor 50 of fig 1) disposed within a housing package (20 of fig 1) having a peripheral portion (plurality of apertures 101 of fig 1, see col.2, lines 29-30); a lens-seat (lens retainer 30 of fig 1, see col.1, line 60-62) being disposed on said image sensor (optical sensor 50 of fig 1, see col.1, lines 62-63) said lens seat including a connection section (protrusion 301 of fig 1, see col.2, lines 14-16), and image pick up cylinder section (302 of fig 1, col.2, lines 16-17), extending therefrom said connecting section (301 of fig 1) engaging said peripheral portion of said image sensor (50 of fig 1)

housing package (20 of fig 1) to be guided there by into an a line position, see (col.2, line 58-60); and lens (lens 40 of fig 1) coupled to said image pickup cylinder section (302 of fig 1) of said lens seat (30 of fig 1), said lens (40 of fig 1) having an axis aligned in predetermined manner relative to said coupling transistor device (inherent on the sensor 50 of fig 1) when said connecting section (301 of fig 1) of said lens seat (30 of fig 1) is disposed in said aligned position.

With respect to claim 7, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1) wherein said lens seat (30 of fig 1) extend over and peripherally envelopes a top of said image sensor (50 of fig 1, as shown in fig 1).

With respect to claim 8, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1) wherein said connection section (301 of fig 1) has formed thereon first and second faces (302 of fig 1) defining an inner flange portion to retentively engaged said peripheral portion of said image sensor housing package (20 of fig 1).

With respect to claim 9, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1) further comprising a sealing glass sheet (60 of fig 1) overlaying a least portion of said image sensor housing package (20 of fig 1).

With respect to claim 10, Tsuchiya discloses a CCD image pickup module (image capturing device as shown in fig 1) wherein said sealing glass sheet (60 of fig 1) is disposed in peripherally flush manner over said image sensor housing package (20 of fig 1).

With respect to claim 11, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1) wherein said sealing glass sheet (60 of fig 1) is less in peripheral extent than said image sensor housing package (20 of fig 1).

With respect to claim 12, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1), further comprising a sealing glass sheet (60 of fig 1) overlaying a least a portion of said image sensor (50 of fig 1) housing package (20 of fig 1), said peripheral portion of said image sensor housing package extending peripherally beyond said sealing glass (60 of fig 1).

### ***Response to Arguments***

3. Applicant's arguments filed January 30, 2004 have been fully considered and reviewed but they are not persuasive for the reasons noted below.

With respect to claim 6, applicant stated that a "circuit main board must have a circuit formed (printed) thereon for electrically connecting an electric element such as the image sensor", as discussed page 2 of third paragraph or lines 14-16.

Examiner respectfully disagree with applicant's opinion because since a base plate 10 of fig 1, which is an equivalent of applicant's main circuit board where the image sensor 50 of fig 1, is positioned or formed, it is a logical or known that a base plate 10 of fig 1, would have a circuit or a wire that is formed or printed thereon for connecting to image sensor 50 of fig 1.

Applicant further argues that Tsuchya's housing package 20 is a glass which would make defining the recesses a "hard job" and raise manufacturing cost and therefore is unnecessary, as discussed on page 3 lines 1-24.

Examiner respectfully disagrees and since the limitations are nevertheless taught by the cited reference. Therefore, the rejection of claims 6-12 over Tsuchiya remains.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 305-5441. The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kimberly Williams** can be reached on 703-305-4863.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*KAWilliams*  
**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**

  
Negussie Worku  
04/09/04